



Appeal Decision

Site visit made on 4 August 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/Z2830/W/20/3248424

Bugbrooke Barns, Kislingbury Road, Bugbrooke NN7 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Northampton Old Grammar School Foundation against the decision of South Northants District Council.
 - The application Ref S/2019/1912/FUL, dated 20 September 2019, was refused by notice dated 10 January 2020.
 - The development proposed is conversion of brick built agricultural buildings and rebuild elements to form two residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of brick built agricultural buildings and rebuild elements to form two residential dwellings at Bugbrooke Barns, Kislingbury Road, Bugbrooke NN7 3QG, in accordance with application S/2019/1912/FUL subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The South Northamptonshire Local Plan Part 2 (2020) (LP) has been adopted since the appeal was submitted. Saved policies EV2 and EV16 of the South Northamptonshire Local Plan (1997) have been superseded by LH4 of the LP. The appellant and the Council have commented on the new policies. I must make a decision based on the development plan at the time of my decision. I am satisfied that no interested party have been prejudiced by my approach.

Application for costs

3. An application for costs was made by Northampton Old Grammar School Foundation against South Northants District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the character and appearance of the area; and

- Whether the appeal site is an appropriate location for new housing with regard to supporting essential local services.

Reasons

Character and appearance

5. The appeal site lies beyond the settlement boundary of the village of Bugbrooke. The site has not been advanced as a rural exceptions site and therefore, new development outside of existing boundaries will be considered to be located within open countryside.
6. Policy LH4 of the LP states that proposals for single market dwellings in open countryside will not be supported unless it involves the re-use of a redundant or disused permanent building subject to a number of criteria. Part (I) makes it clear that the host building should not be in such a state of dereliction or disrepair that it would require complete demolition or rebuilding and part (III) seeks the enhancement of its immediate setting.
7. The appeal site comprises two L shaped barns. The barns are located some distance from Kislingbury Road accessed via an informal track extending across fields. The barns are located within a natural dip within the surrounding agrarian landscape and are of brick and stone construction.
8. The structural assessment (SA) submitted with the application indicates that two small elements of the western barn (Barn A) are structurally unsound and unsuitable for conversion. Based on the SA and having regard to my own observations at the site visit, there appears to be some areas of deterioration consistent with prolonged periods of neglect and lack of maintenance including weathered and damaged brickwork. Notwithstanding the condition of the two smaller elements and some deterioration, the building appears to be in a good condition and not in such a state of disrepair that it requires a complete rebuild.
9. Whilst two small elements would be demolished and rebuilt the buildings would be largely retained. In my view the proposed works overall would not be so extensive to amount to a significant alteration of the buildings. The proposal would not include a significant level of new construction or demolition and the barns would not be reduced to an extent that it would be a complete rebuild or fresh build.
10. The proposed alterations would be sympathetic to the existing buildings with the proposed fenestration largely utilising the position of existing openings. Furthermore, the eastern barn's (Barn B) attractive timber framing would be retained and incorporated into the proposal maintaining its rural and agricultural appearance.
11. The track would still appear as a single track and its sweeping appearance through the fields would be maintained. There would only be glimpsed views of it due to the natural changes in levels in the area from within the surrounding area. The proposal would successfully integrate into the wider landscape and would not unduly diminish the surrounding rural character and appearance. In my view the formalisation of the existing track, introduction of passing bays and new gates would not unduly harm the rural appearance of the area. Notwithstanding the Council's comments there is no persuasive evidence before me to demonstrate the proposed lighting or electricity infrastructure would

harm the character and appearance of the area. Furthermore, these matters would be satisfactorily addressed by conditions. Consequently, I find that the proposed development would be sympathetic to the rural character and appearance of the area and would result in an enhancement of the setting of the barns.

12. Taking all of the above into account I find that the proposed development would accord with Policy LH4 of the LP in relation to the re-use of rural buildings for residential use. It would accord with Policies R1 and S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (WNJCSLP) which, amongst other things, requires rural housing to result in environmental improvements on a site and the protection, conservation and enhancement of the natural environment.
13. The proposal would also accord with paragraphs 79 and 127 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and sympathetic to local character and landscape setting and supports the re-use of redundant and disused buildings in the countryside.

Location of site

14. The nearest settlement with services and facilities is Bugbrooke a few hundred metres away connected by a footpath. I acknowledge that the proposed development would result in two dwellings. However, future occupiers would nonetheless support existing local services and facilities within Bugbrooke given its close proximity and accessibility via the track and footpath.
15. From the evidence before me, it appears that the proceeds from the proposed development would be reinvested at Northampton Old Grammar School. Taking the above into account I find that the proposal would support local services and result in economic and social benefits for the village and school.
16. As such, I find that the proposal would accord with Policy R1 of the WNJCSLP which, amongst other things, requires new rural housing to support the retention or improvement of essential local services.

Other Matters

17. I note the Council's concern in relation to security due to the position of the site and graffiti on parts of the building. However, there is no substantive evidence before me to suggest that anti-social behaviour would continue once the proposed development was occupied or that it would give rise to crime or disorder.
18. There is no evidence before me to suggest that the site falls within a "made" Neighbourhood Plan area. As such, with specific regard to this appeal I have given this matter negligible weight in coming to my decision.
19. I note the representations made by the Parish Council, in respect of the proposal. Taking into account the advice of the Council and County Highways I am satisfied that the position of the access would not prejudice highway safety particularly as adequate visibility can be achieved.

20. In terms of wildlife an Ecological Impact Assessment (EIA) has been undertaken and planning conditions would enable such matters to be satisfactorily addressed.

Conditions

21. The Council has suggested 21 conditions in the event that the appeal was to be allowed. I have considered these, in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of them and reworded some conditions suggested by the Council.
22. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
23. Conditions relating to the roof coverings, external materials, remedial works to the stonework, windows and doors and landscaping have been imposed to ensure the satisfactory appearance of the development. The Council has suggested that a sample panel of the proposed brickwork should be constructed on site. However, I am not satisfied that this is necessary and thus the condition has been amended accordingly.
24. A condition requiring the rooflights to be fitted with obscure glazing has been imposed in order to safeguard the living conditions of future occupiers.
25. In the interests of health, I have imposed a condition regarding land remediation in the event that contamination is found during construction works.
26. In the interests of highway safety, I have imposed a condition for the access parking and turning areas to be provided in accordance with the approved plans.
27. A condition requiring the development to be carried out in accordance with the recommendations set out in the submitted EIA has been imposed in the interests of environmental sustainability. The Council have suggested a condition for a revised protected species survey to be undertaken in the event works commence after 1 June 2021. However, given the findings of the assessment I do not consider it necessary to impose this condition. In any event the proposal will have to be carried out in accordance with the assessment.
28. The Council has suggested conditions for a Landscape and Ecology Management Plan and details of the ducting to allow for the future installation of electric vehicle charging points. However, there is no substantive evidence before me to suggest that these conditions are necessary to make the proposal acceptable in planning terms therefore the conditions have not been imposed.
29. The Council has suggested a condition for details of the electricity or gas supply meter housing. However, the position of these services are subject to different legislation i.e. Building Regulations, as such I do not consider it reasonable to impose this condition.
30. The Council has suggested removing permitted development rights for the enlargement, improvement or other alterations of a dwellinghouse falling within Classes A, B, C and D of Schedule 2, Part 1 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (the GDPO); gates, fences, walls or other means of enclosure falling within Class A of Schedule 2, Part 2 of the GDPO; buildings and structures falling within Class E of Schedule 1, Part 2 of the GDPO and solar PV or solar thermal equipment falling within Schedule 2, Part 14 of the GDPO.

31. I acknowledge that Paragraph 53 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this particular instance taking into consideration the rural appearance and context of the proposed development, in my judgement, conditions to remove permitted development rights are necessary and reasonable to ensure the satisfactory appearance of the development.

Conclusion

32. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 120323-006B; Block Plan as Existing Drawing Number 120232-003; Floor Plans and Elevations as Existing Drawing Number 120232-001; Floor Plans Elevations as Proposed Drawing Number 120232-002A; Block Plan as Proposed Drawing Number 120232-004D; Block Plan as Proposed Drawing Number 120232-005D and Visibility Splays Drawing Number SK01 Rev C.
- 3) Prior to the commencement of the extension to Barn A details and samples of the materials to be used in the construction of the external surfaces of the extensions to it hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) Prior to commencement of works to the roofs of the dwellings details and samples of the materials to be used in the construction of roofs hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 5) Prior to commencement of works to the windows and doors of the dwellings details of them are to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Any remedial stonework necessary for the repair or making good of Barn B shall be carried out in matching natural weathered stone and shall be laid, dressed, coursed and point to match the existing building.
- 7) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) Details of the proposed tree and shrub planting and grass seeded/turfed areas;
 - ii) Details of existing trees and hedges to be retained;
 - iii) Details of hard landscaping and surfacing.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) The access, parking and turning areas hereby permitted shall be carried out in accordance with Block Plan as Proposed Drawing Number 120232-004D and Block Plan as Proposed Drawing Number 120232-005D before the buildings are occupied and shall thereafter be retained for the lifetime of the development.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment (Ref:PRI22508_ECIA) by ACD Environment dated 11 September 2019.
- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12) No external lights or floodlights shall be installed or constructed on the site or dwellings hereby approved.
- 13) The rooflight in the western roof slope of Barn A shall be fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouses, additions or buildings or enclosures incidental to the enjoyment of the dwellinghouses falling within Classes A, B, C and D shall be constructed.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or structure falling with Class E other than oil or LPG storage tanks shall be constructed or placed within the curtilage of any dwellinghouse.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no solar PV or solar thermal equipment falling within Schedule 2, Part 14 shall be installed on the dwelling or any building within its curtilage.